

The Berryville Town Council held their regular meeting on August 15, 2006 in the Town Council Chambers at 15 E. Main Street, Berryville, Virginia.

The following were present:

Council -	Richard G. Sponseller, Mayor Harry Lee Arnold, Jr., Recorder Wilson Kirby Lawrence Russell, III Barry Nicholson Allen Kitselman
Staff -	Keith R. Dalton, Town Manager Christy Dunkle, Asst. Town Mgr/Town Planner Chief Neal White, Police Department Dave Tyrell, Utilities Director Rick Boor, Public Works Director Nancy McGinnis, Recording Secretary
Press -	Winchester Star: Bob Igoe, Clarke Times Courier: Rebecca Maynard

Mayor Sponseller called the TOWN COUNCIL MEETING to order at 7:30 p.m. on August 15, 2006 in the Town Council Chambers at 15 E. Main Street, Berryville, Virginia.

On motion by Council member Nicholson, seconded by Council member Kitselman and passed, the minutes of the Council meeting of June 13, 2006 were approved as written.

Recorded Vote:	Aye – Wilson Kirby Allen Kitselman Barry Nicholson Lawrence Russell, III
	Nay – None
	Abstain – Richard G. Sponseller, Mayor Harry Lee Arnold, Jr., Recorder
	Absent – None

Presentation to William Bowerman

Mayor Sponseller presented William Bowerman with a Resolution of Appreciation, dated June 13, 2006, to thank him for his many years of service to the Town of Berryville and to the community as a member of the Architectural Review Board. Mr. Bowerman thanked the Town Council for this gesture.

Citizen's Forum

Harry Robertson, 225 Fairfax Street, said that he has had problems with vandalism of his vehicles. He said that Police Chief White said that possibly a video camera would

help capture the vandals and noted that there was only one video camera available to the Police Department for use concerning such matters. He said that considering the taxes collected, the Police Department should be supplied with adequate updated surveillance equipment.

Mr. Dalton asked Chief White about the cost of new surveillance equipment. Chief White said that the equipment would cost between \$3,000.00 and \$5,000.00 per camera. Councilman Kitselman and Councilman Nicholson asked Chief White to research and compare costs of new surveillance equipment. Chief White said that in his research he found that \$3,000.00 to \$5,000.00 per camera was an accurate estimate. Chief White also said that the cost of the new equipment has not been budgeted for 2006. Mr. Dalton said that if approved, the cost of the surveillance equipment could be taken from the Town's General Fund Revenues contingency fund. There were no further comments.

Kate Petranec, President of Berryville Main Street, thanked the Town Council for their support in 2005 and for their continued support in 2006. She said that Christy Dunkle has been elected President of Berryville Main Street and Robert Sherwood has been elected Vice-President. She said that Berryville Main Street has opened a new category of membership called "Friends" and they have over three hundred (300) local members supporting their program.

Report of the Mayor, Richard G. Sponseller

Water Conservation

Mayor Sponseller said he distributed a memo on August 10, 2006 requesting that citizens voluntarily restrict their water usage. He said that because of the drought conditions and the current over use of the Town's water supply by residents, it is necessary to reinforce the water restriction immediately. Mr. Dalton said that Public Works staff has taken pictures of water ponding because of over-watering of grass at residential sites. Mayor Sponseller recommended that the Town leave warning notices on doors reminding citizens who may be over-watering of the water restrictions and the need to conserve.

Presentation by Barns of Rose Hill

Diana Kincannon, President of The Barns of Rose Hill, said that she was interested in applying for a grant to develop a Berryville-Clarke County Visitors Center to be located at the Barns of Rose Hill.

Ms. Kincannon introduced Don Cady, of the Clarke County Tourism Alliance. Mr. Cady said that Ms. Kincannon had met with their Board who has endorsed her idea for the Berryville-Clarke County Visitor Center. He said that his Alliance endorses Ms. Kincannon's idea for a Visitor Center.

Mr. Nicholson asked how much the TEP grant allows in funding this project. Ms. Kincannon said that TEP funds up to 80% of the costs for the project. Mr. Kitselman asked Ms. Dunkle if the Town of Berryville currently had any grants underway. Ms. Dunkle and Mr. Dalton said that the town is currently discussing applying for the same grant.

Mr. Kitselman said that the visitor center is a great idea, but asked if it would do better being located at a building on Main Street.

Mr. Kirby asked if the proposed square footage was going to be enough floor space for a visitor's center and lobby. He said that they need to run some numbers and take a look at the actual floor space that will be needed.

Mayor Sponseller asked about the deadline for the grant. Ms. Kincannon said that November 1, 2006 was her deadline to have the details completed and to submit the grant application. She said that in order to meet the deadline she needed a site plan completed and that the Site Plan Engineer and the Town's engineer are scheduled to meet within the next six weeks.

Mayor Sponseller asked if the project should be referred to the Community Improvements Committee for review. Mr. Kitselman said that the project should also be reviewed by the Streets and Utilities Committee. Mr. Dalton said that the next Streets and Utilities Committee meeting is scheduled for September 6, 2006 and that the Community Improvements Committee is scheduled to meet again on October 25, 2006. Mr. Nicholson said that they need a strong plan to come up with the budget numbers.

Ms. Kincannon said that hopefully she can get the two engineers together within the next month. Mr. Nicholson said that they probably could not complete all of the details and submit a polished presentation and grant application by November 1, 2006.

Mr. Dalton expressed concern about the two grants competing against each other. Mr. Kitselman said that the project would need to go before the Architectural Review Board for consideration as well. Mr. Nicholson said that although the time frame and deadlines may not work this year, the visitor center is an excellent idea.

Mr. Dalton asked who would be responsible for staffing the visitor center. Ms. Kincannon said that the governing bodies of the Town of Berryville or Clarke County would ultimately be responsible for staffing. Mr. Dalton expressed concern about staffing issues, stating that the town was not in the position to staff the center. Mr. Nicholson said that there would be an alliance between the Town of Berryville and Clarke County concerning the visitor center and matters concerning the same, including staffing.

Mayor Sponseller said that there is no reason why the project should not be pursued and noted that if they do not make this year's deadline, Ms. Kincannon should not be discouraged and should continue to move forward with the project to meet the 2007 deadline instead. The Council had no further questions.

Planning and Zoning Matters

Ms. Dunkle said that Public Hearings needed to be set for the following:

Definition of "family" – the Public Hearing was set for the next Town Council meeting scheduled for September 12, 2006.

Definition of "dwelling unit" – the Public Hearing was set for the next Town Council meeting scheduled for September 12, 2006.

Rezoning – Kenrock Development – the Public Hearing was set for the Town Council meeting scheduled for October 10, 2006 per the applicant's request.

Kenrock Comprehensive Plan Map amendment - the Public Hearing was set for the Town Council meeting scheduled for October 10, 2006 per the applicant's request.

Zoning Map amendment - the Public Hearing was set for the Town Council meeting scheduled for October 10, 2006 per the applicant's request.

Planning and Zoning Fees - the Public Hearing was set for the next Town Council meeting scheduled for September 12, 2006.

Gas Line Easement - the Public Hearing was set for the Town Council meeting scheduled for September 12, 2006.

Modifications to Construction Standards and Specifications Manual - the Public Hearing was set for the next Town Council meeting scheduled for September 12, 2006.

Monthly Report

Ms. Dunkle gave her monthly report. There was a general discussion concerning the physical gas line location.

Proposed Construction Standards Amendments

Ms. Dunkle said that the proposed amendments to the Construction Standards and Specifications Manual were discussed with the Streets and Utilities Committee at their August 8, 2006 meeting.

Report of the Town Manager – Keith Dalton

Mr. Dalton said that recently he was made aware that there were two homes located on Virginia Avenue that discovered that they are sharing the same sewer lateral. He said that Mr. Bayliss is representing one of the owners and was present to speak with Council concerning the matter.

Mr. R.W. Bayliss, 222 First Street, asked the Council if any other residents in the Town were on a similar sewer lateral that extended 200 feet from their homes to the Town's sewer main. Mr. Dalton said that there are some shared sewer laterals in Town but none that he knew of with so much length.

Mr. Bayliss said that the issue is the property owners were unaware when they purchased the property that they are on a shared sewer lateral and that they personally are going to have to maintain 200 feet of line from their homes to the Town's main sewer line. Mr. Bayliss said that this issue was unreasonable and unfair to the property owners because it will cost approximately \$13,000.00 to cover the cost for repairs.

Mayor Sponseller said that he was not sure how the Town was treating the property owners unfairly. Mr. Bayliss said that these property owners should not be singled out because they were totally unaware that they had to maintain the lateral. Mr. Kirby recommended that the matter be referred to the Town's Streets and Utilities Committee for review.

At the request of Mr. Dalton Council decided to meet with staff, Clarke County and VDOT on September 27, 2006 at 5:00 p.m. concerning for a work session on tractor trailer traffic restrictions in relation to driving through the Town of Berryville.

Mr. Dalton said that he is trying to set up a stakeholders meeting on October 3, 2006 at 5:00 p.m. with the town's engineers concerning the wastewater plant.

Mr. Dalton reminded the Council members that there is a Community Improvements Committee meeting on October 25, 2006 at 5:30 p.m. concerning downtown improvements.

Mr. Dalton reminded the Council members that Senator Allen's visit to Berryville is scheduled for Monday, August 21, 2006 at 10:30 a.m. at Rose Hill Park.

Mr. Dalton informed the Council members that the Clarke County Community Band will be doing a 9-11 memorial service in honor the victims of the 9-11 and their families at Rose Hill Park, but said that he was uncertain about the date and time.

Discussion – Blight Abatement

Mr. Dalton said that a public hearing was not required on this matter. Mayor Sponseller recommended that the matter be sent to the Planning Commission for review. He said that the Council would set the public hearing for October 10, 2006 based upon the Planning Commission's recommendations.

Reports of Standing Committees

- a. BADA Liaison
No report.
- b. Budget/Finance/CIP – Richard G. Sponseller, Chair

Publication of List of Delinquent Taxes on Real Property

Councilman Russell moved, seconded by Councilman Kirby to publish the list of delinquent Taxes on Real Estate and Personal Property. The motion passed unanimously by voice vote.

Recorded Vote: Aye: Richard G. Sponseller
 Allen Kitselman
 Barry Nicholson
 Wilson Kirby
 Lawrence Russell, III
 Harry Lee Arnold, Jr., Recorder

Nay: None

- c. Community Improvements – Allen Kitselman, Chair

Mr. Kirby moved, seconded by Mr. Kitselman to approve the minutes of the August 9, 2006 Community Improvements Committee meeting. The vote passed unanimously by voice vote.

Recorded Vote: Aye: Allen Kitselman
 Wilson Kirby

Nay: None

- d. Personnel/Appointments - Richard Sponseller, Chair
No report.
- e. Police and Security Committee – Barry Nicholson, Chair

Police Department – Monthly Report – Chief Neal White

Chief White said that the Police Department has two new recruits currently in training at the Police Academy, Cadet Christopher Williamson and Cadet Mark Castle.

Discussion on Regulating Open Burning

The discussion was continued to the September 12, 2006 meeting at which time a Public Hearing will be set.

- f. Streets and Utilities - Wilson Kirby, Chairman

Mr. Nicholson moved, seconded by Mr. Kirby to approve the minutes of the August 8, 2006 Streets and Utilities Committee meeting. The vote passed unanimously by voice vote.

Recorded Vote: Aye: Barry Nicholson
 Wilson Kirby

Nay: None

Closed Session

It was moved by Councilman Russell, seconded by Councilman Nicholson that the Council of the Town of Berryville enter into a Closed Session Pursuant to Section 2.2-3711.A.3 of the Code of Virginia, 1950, as amended, for the purpose of discussing the disposition of interest in publicly held real property.

Recorded Vote:

Aye: Richard G. Sponseller, Mayor
Allen Kitselman
Barry Nicholson
Wilson Kirby
Lawrence Russell, III
Harry Lee Arnold, Jr., Recorder

Nay: None

Absent: None

It was moved by Councilman Russell, second by Councilman Nicholson that the Council of the Town of Berryville adjourns Closed Session and returns to Regular Session.

Recorded Vote:

Aye: Richard G. Sponseller, Mayor
Allen Kitselman
Barry Nicholson
Wilson Kirby

Lawrence Russell, III
Harry Lee Arnold, Jr., Recorder

Nay: None

Absent: None

It was moved by Councilman Kitselman, second by Councilman Russell that the Council of the Town of Berryville adopt the attached Resolution Certifying Closed Session.

Recorded Vote: Aye: Richard G. Sponseller, Mayor
 Allen Kitselman
 Barry Nicholson
 Wilson Kirby
 Lawrence Russell, III
 Harry Lee Arnold, Jr., Recorder
 Nay: None
 Absent: None

There being no further business, on motion by Councilman Kitselman, seconded by Councilman Kirby and passed by voice vote, the Council meeting was adjourned at 9:05 p.m.

Richard G. Sponseller, Mayor

Harry Lee Arnold, Jr., Recorder

TOWN COUNCIL

MOTION FOR CLOSED SESSION

DATE: August 11, 2006

MOTION BY: Lawrence Russell, III

SECOND BY: Barry Nicholson

I move that the Council of the Town of Berryville enter Closed Session pursuant to Section 2.2-3711.A.3 of the Code of Virginia, 1950, As Amended, for the purpose of discussing the disposition of interest in publicly held real property.

Aye: Richard G. Sponseller, Mayor
Allen Kitselman
Barry Nicholson
Wilson Kirby
Lawrence Russell, III
Harry Lee Arnold, Jr., Recorder

Nay: None

Absent: None

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

RESOLUTION

MEETING DATE: August 11, 2006
MOTION BY: Lawrence Russell, III
SECOND BY: Barry Nicholson

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, Virginia (Council), has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

VOTE:

Aye: Richard G. Sponseller, Mayor
Allen Kitselman
Barry Nicholson
Wilson Kirby
Lawrence Russell, III
Harry Lee Arnold, Jr., Recorder

Nay: None

Absent: None

Absent During Vote: None

Absent During Meeting:

Harry Lee Arnold, Jr., Recorder